

INTEROFFICE MEMO

To: **Internal Audit Commission**
From: Thulani LeGrier, Director of Human Resources and Labor Relations
Date: June 19, 2020
Subject: Joe Caruso Workplace Complaint Comprehensive Investigative Findings

On February 27, 2020, the City of Hartford retained an independent third-party investigator, Melinda A. Powell, Esq. of the law firm of Rose Kallor, LLP, in order to investigate the complaint that was initially submitted by Joseph Caruso, Deputy Chief Auditor for the City of Hartford, to the City of Hartford Department of Human Resources and Labor Relations on February 25, 2020, and then amended on February 27, 2020, against his manager, Craig Trujillo, Chief Auditor for the City of Hartford.

It is important to note that while the City retained Ms. Powell to conduct the investigation, and while Ms. Powell happens to be an attorney, the investigation was conducted by Ms. Powell in the capacity of an independent investigator and not as a litigator on behalf of the City of Hartford in accordance with our standard employee complaint procedure.

In the complaint submitted in its entirety by Mr. Caruso against his manager, Craig Trujillo, Chief Auditor for the City of Hartford, Mr. Caruso alleged workplace intimidation within the Internal Audit Department (IAD) driven by what he characterized as an informed sense of fear of retaliation by Mr. Trujillo that was exacerbated by recurring patterns of inappropriate workplace behavior.

The alleged behavior included Mr. Trujillo's use of the restroom that is located within the Independent Audit Office with the door open while IAD staff were present in the office during normal work hours, as well as the regular use of demeaning language when speaking about specific IAD staff members and their work-based performance, professional qualifications, and relative positions and corresponding status within the City of Hartford organizational hierarchy.

Additionally, Mr. Caruso alleged that Mr. Trujillo created a toxic work environment because of the general manner in which he conducted himself day to day within the Internal Audit Office located on the third floor of City Hall, and because of the manner with which he interacted with Internal Audit Department staff on an ongoing basis through the course of routine audit work.

Mr. Caruso also alleged that Mr. Trujillo routinely practiced on the job time theft as a function of his routine of extended lunch breaks and early departures from the Internal Audit Office, as well as his "considerable" amount of time spent watching FOX News or YouTube while working in the Internal Audit Office during normal work hours.

Lastly, Mr. Caruso alleged that during the course of the investigation he was subjected to unfair treatment on the job, namely in the form of retaliation by Mr. Trujillo on the basis of his February 2020 complaint to the Department of Human Resources and Labor Relations, as well as his subsequent use of FMLA during February and March of this year. Mr. Caruso attributed said use of

FMLA to the on the job stress that he encountered through his work-based interactions with Mr. Trujillo.

Upon review of the investigative report that was completed as of June 1, 2020, the City of Hartford Department of Human Resources and Labor Relations affirms and agrees with the findings indicating that there is sufficient evidence to support Mr. Caruso's complaint allegations specific to workplace intimidation, inappropriate workplace behavior, and toxic work environment within the Internal Audit Department that is directly attributable to the workplace misconduct of Mr. Trujillo.

However, the City of Hartford Department of Human Resources and Labor Relations finds that there is inconclusive evidence relating to Mr. Caruso's allegations of on the job time theft by Mr. Trujillo. Human Resources conducted a comprehensive review of Mr. Trujillo's City Hall *All Access Attempts History* (City Hall employee building access card activity) within the one-year time period of February 27, 2019, through February 27, 2020, in response to Mr. Caruso's allegations, as Ms. Powell did not have access to the *All Access Attempts History* data in her role as independent investigator.

While Mr. Trujillo's *All Access Attempts History* data does appear to align to some extent with Mr. Caruso's specific alleged instances of Mr. Trujillo's early departures, as well as the alleged general pattern of activity stated within Mr. Caruso's complaint, Human Resources is unable to conclusively determine whether or not Mr. Trujillo was in fact stealing time while on the job.

This is primarily because of the fact that a given City Hall employee does not "swipe" out of the office. Rather, employee "swipes" occur only upon entering various portions of City Hall, and so there is no way to conclusively determine an exact departure time for any given City Hall employee on any given day. Additionally, there is the potential that Mr. Trujillo may have been attending work-related meetings elsewhere in City Hall and/or engaging in other work-related matters at other locations, including working on a remote or telework basis.

The report findings of fact and conclusions of law evaluated the merits of the investigative observations in relation to Mr. Caruso's allegations under a preponderance of evidence standard. Under this standard, the investigation found no violation of the City of Hartford EEO, anti-harassment, or anti-retaliation policies.

Although the independent investigator noted that there was insufficient evidence to support a *Prima Facie Showing* of hostile work environment, violation of the City of Hartford Anti-Harassment or Anti-Retaliation policies, the independent investigator did indicate that it was more likely than not true that Mr. Trujillo had in fact used the Internal Audit Office restroom with the door open while IAD staff were present during normal work hours, and that it was also more likely than not true that Mr. Trujillo made disparaging and/or demeaning comments about IAD staff on various occasions.

Additionally, the independent investigator confirmed that Mr. Trujillo regularly watches or listens to FOX News on the computer or other devices during work hours. However, the independent investigator noted that none of the media content heard in the office was subjectively offensive so as to create a hostile work environment in violation of City policy, despite the fact that one of the IAD staff members, [REDACTED] indicated that Mr. Trujillo's practice of streaming nonwork-related content during work hours, "could be viewed as demotivating or distracting".

However, because Mr. Trujillo's pattern of behavior was found by the investigator to not have been accompanied by any adverse employment actions, nor was it perceived to have been of the nature so as to dissuade a reasonable person from filing a complaint, and nor was it significantly different from other examples of Mr. Trujillo's behavior which occurred prior to Mr. Caruso's February 2020 complaint to Human Resources, it was concluded by the independent investigator that, "there [was] lack of causation to the complaint process itself", and thus Mr. Trujillo's behavior was not found have been retaliatory in nature at that time".

Despite the fact that the independent investigation did not substantiate *Prima Facie* (illegal) workplace discrimination or hostile work environment, it is the firm opinion of the City of Hartford Human Resources Department that Mr. Trujillo's overall workplace conduct was utterly unbecoming of a City of Hartford employee, particularly within the context of his role as the independently appointed Chief Auditor and Internal Audit Department Head.

Further, it is worth noting that the City's Sexual Harassment Policy expressly prohibits, "conduct [that] has the purpose or effect of interfering with an individual's work performance, or of creating an intimidating, hostile, or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment". While it was noted within the investigative report that Ms. Barberi did not find Mr. Trujillo's use of the Internal Audit Office restroom with the door open to be "subjectively offensive" to her as the sole female auditor in the office, the fact that this component of Mr. Trujillo's behavior was specifically included in the submission of Mr. Caruso's complaint indicates that Mr. Trujillo's use of the office restroom with the door ajar while IAD staff were present in the office during normal working hours was implicitly unwanted and subjectively offensive to Mr. Caruso.

It is the opinion of the Human Resources Department that Mr. Trujillo's regular use of the Internal Audit Office restroom with the door open in concert with his ongoing use of demeaning language when speaking about the IAD staff created a toxic, intimidating, and hostile workplace environment. Not only does it stand to reason that a reasonable person would not want to hear their superior, nor any colleague for that matter, urinating in close proximity to their desk throughout any given workday as a routine course of their ongoing day to day employment, but that sort of behavior in conjunction with a well-established pattern of using demeaning language, as well as implied and veiled threats when speaking on matters directly relating to IAD staff and Independent Audit Commission members, suggests a sense of entitlement that is fundamentally unacceptable.

Mr. Trujillo's demonstrated lack of regard for well-established workplace norms transgressed upon fundamental aspects of personal privacy and commonplace decency, especially as the top-ranking official within the Internal Audit Office and the Internal Audit Department.

Mr. Trujillo's combination of offensive behaviors set a tone that can reasonably be described as toxic, intimidating, and hostile to the extent that his general in-office comportment was a stark and consistent reminder to the IAD staff that Mr. Trujillo believed that he could act with impunity.

Also, in this case, employee gender is irrelevant despite the findings of the independent investigator. The fact that [REDACTED] as the sole female auditor in the Internal Audit Office did not consider Mr. Trujillo's use of the Internal Audit Office restroom with the door open while IAD staff were present during normal work hours to be "subjectively offensive" does not negate the fact that a least one other department employee, Mr. Caruso, who happens to be of a male gender found this sort of behavior to be inappropriate to the extent that it was noted within his formal complaint submitted to the Department of Human Resources and Labor Relations.

As such, Human Resources does not agree with the independent investigator's findings that no form of workplace harassment occurred. Particularly upon examination of the close proximity of the Internal Audit Office restroom to the four other IAD staff workspaces, and in particular the very close proximity to Mr. Caruso's office.

Mr. Trujillo's behavior in this regard is egregiously inappropriate and inherently offensive. Consequently, it is the Human Resources Department opinion that Mr. Trujillo's flagrant workplace misconduct can be described on its face as intimidating to a degree that constitutes workplace harassment. In fairness to the independent investigator, Ms. Powell, Human Resources obtained direct access to the Internal Audit Offices in order to assess the specific layout and capture documentary photographs as a supplement to the investigative report.

Moreover, based upon the investigative report findings, the sum of Mr. Trujillo's conduct within the IAD as Chief Auditor demonstrates a consistent and overall lack of respect for the workplace environment and the entire IAD staff which should reasonably be characterized as wanton disregard for the basic respect and overall welfare of the IAD staff, as well as a clear dereliction of Mr. Trujillo's responsibilities as the Independent Audit Department leader and as a City leader.

The role of Chief Auditor for the City of Hartford confers legitimate independent oversight authority. In fact, it is the very sort of oversight authority that is fundamentally predicated upon an established level of credibility that must be beyond reproach in order to sufficiently fulfill the audit duties necessary to maintain proper and effective oversight.

Relatedly, within the IAD and across the City's operations more broadly, Mr. Trujillo has a tremendous amount of organizational power and positional authority as Chief Auditor serving as the head of the Internal Audit Department who reports directly to the independently appointed Internal Audit Commission that is appointed by the ten highest-paying taxpayers in the City of Hartford, and that operates outside of the jurisdiction of the City of Hartford day to day operations run under the umbrella of the Office of the Mayor. Mr. Trujillo's workplace conduct does not reflect the sort of behavior and esteem necessary to garner and maintain that sort of requisite credibility in a position of that stature.

It is the opinion of the City of Hartford Human Resources Department that Mr. Trujillo's overall workplace conduct demonstrated an abuse of power and was lacking in basic professional respect and commonplace decency. Consequently, we believe that Mr. Trujillo's behavior fails to meet the City's minimum standards of employee conduct in the workplace.

Finally, it is worth noting that on June 9, 2020, Mr. Caruso submitted another formal complaint to the Department of Human Resources and Labor Relations against Mr. Trujillo for retaliation in response to his initial complaint to Human Resources in February 2020. The investigation in response to this subsequent complaint is pending as of June 19, 2020.

In summary, the City of Hartford Department of Human Resources and Labor Relations has a duty to protect the on the job welfare of all City employees by ensuring a safe and respectful work environment. Within this context, it must be noted that the Department of Human Resources has grave concerns relative to the Internal Audit Department workplace environment going forward.

The Department of Human Resources and Labor Relations does not believe that Mr. Trujillo can continue to work within the same workspace as the four other Internal Audit Department staff members going forward.

In March 2020, the City of Hartford transitioned to limited operations in response to the COVID-19 public health emergency. As a result of that transition, all IAD staff have primarily been working remotely since March 2020. Upon the City's reopening, this arrangement would need to remain permanently in place for either Mr. Trujillo or the four other IAD staff members, as the City of Hartford Human Resources Department cannot reasonably ensure that the four other IAD staff members would not continue to be subjected to further workplace harassment by Mr. Trujillo under the status quo circumstances pre-COVID-19 limited City operations.

Because the City of Hartford Human Resources Department only operates in an advisory capacity on this matter, and because Mr. Trujillo is appointed by the Independent Audit Commission, the aforementioned recommendation represents the only reasonable intervention that the department can enforce. Under other circumstances, the City of Hartford Human Resources Department would exercise its Zero Tolerance policy for workplace harassment.

The City of Hartford Department of Human Resources and Labor Relations takes all employee complaints seriously and we appreciate instances in which City of Hartford employees demonstrate courage in raising their concerns to our attention. The City of Hartford is committed

to fostering an engaged and productive workforce. Because of this, the City of Hartford does not tolerate conduct that it deems to be counterproductive, especially when such conduct comes at the expense of City of Hartford employees.

The City of Hartford expects all City employees to treat their fellow City colleagues with respect at all times. That expectation is non-negotiable.

Sincerely,



Thutani LeGrier
Director of Human Resources and Labor Relations

Attachment: Joe Caruso February 2020 Complaint Comprehensive Investigative Findings_Jun-2020

Summary of Initial Complaint Intake

Joseph Caruso

On February 25, 2020, Joseph Caruso, Deputy Chief Auditor, came to the Human Resources Department to file a complaint against the Chief Auditor Craig Trujillo. Steve Francis, Interim Director of Human Resources and Labor Relations, assigned Ruben Acosta, Principal Human Resources Analyst, and Joyce Feeney, Interim Assistant Human Resources Director, to meet with Mr. Caruso about his complaint.

Mr. Caruso alleges that Mr. Trujillo has created a toxic atmosphere in the Internal Audit Department by intimidating staff, retaliating against individuals he perceives to have slighted him, inappropriate behavior and time theft.

To support his allegation, Mr. Caruso provided the following:

- If someone does not give Mr. Trujillo a timely response or challenges him, Mr. Trujillo goes after him/her. According to Mr. Caruso, Mr. Trujillo felt that Internal Audit Commissioner Kyle Bergquist challenged him on something. The next day when Mr. Trujillo came into the office, he referred to Mr. Bergquist as a "f*** asshole" and stated that he will get rid of him. Shortly after, Mr. Trujillo went to the Tax Assessor's Office. *Note: It should be noted that Mr. Bergquist is the commission member appointed on the following basis: One (1) member of the commission shall be appointed by majority vote of the council from the two (2) individuals nominated by the owners of taxable property who are the ten (10) highest-paying taxpayers (hereinafter referred to as "certified tax payers") in the city as determined by the most recent grand list, as certified by the city assessor.*
- Around 2018, Internal Audit conducted a Health Care Fraud audit of the Hartford Board of Education. Details were leaked to the We the People blog and other news outlets. Mr. Caruso believes that Mr. Trujillo gave information to [REDACTED] who then leaked it those outlets. As a result of the leaked information, the Superintendent of Schools has lost confidence in Internal Audit's ability to not disclose information prematurely.
- On January 15, 2020, Mr. Trujillo made a statement regarding the Hartford Economic Development Corporation (HEDCO). He stated that HEDCO could be used to make loans to businesses that supported the Mayor. This statement was made before the commencement of an investigation and could be viewed as prejudicial.
- Mr. Trujillo typically arrives to work between 8:30 a.m. – 9:00 a.m., takes a 1-2-hour lunch and leaves by 4:00 p.m.
- Mr. Trujillo spends a considerable amount of time watching Fox news or YouTube projected on the office whiteboard.
- [REDACTED] will not sign off on Mr. Trujillo's time cards because he is not comfortable with signing off on the hours Mr. Trujillo reports.
- In 2015, Mr. Trujillo interfered with the investigation of the Tax Collector, Marc Nelson who was running for City Treasurer. Although Mr. Nelson did not win the election, Mr. Trujillo's actions caused the report not to be issued until after the election.
- Mr. Trujillo uses the bathroom located within the Internal Audit Office and will leave the door open while he is peeing.
- Mr. Trujillo has made disparaging remarks about staff and the Internal Audit Commission. He would say "I'm up here." and gesture indicating near eye level. Everyone else is below and he would gesture around knee level.

- In January/February 2019, Commissioner Rubenstein attempted to call Mr. Trujillo and Mr. Trujillo did not answer the calls. Commissioner Rubenstein called Mr. Caruso instead. During those conversations, Mr. Caruso indicated that Mr. Trujillo would leave early for the day. Commissioner Rubenstein later told Mr. Trujillo that Mr. Caruso reported that he was leaving early.
- On November 27, 2019, Mr. Trujillo came in to the office at 9:00 a.m. The fire alarm in City Hall went off shortly after requiring employees to evacuate the building for approximately 30 minutes. Once employees were allowed back into the building, Mr. Trujillo put up the office Christmas tree. He left at 11:30 a.m. and did not return for the rest of the day.
- In 2014, Mr. Trujillo and another employee [REDACTED] were involved in an incident. Mr. Trujillo made crude comments needling [REDACTED] to the point that [REDACTED] reacted by slamming a cabinet. While Mr. Caruso acknowledges that [REDACTED] behavior was unacceptable, he believes it is an example of how Mr. Trujillo will needle a person relentlessly to get a reaction.

On December 13, 2019, Mr. Caruso made an anonymous complaint to Commission Bergquist regarding what is going on in the office and what he has to deal with. According to Mr. Caruso, Mr. Bergquist told him that he has no doubt that what Mr. Caruso told him is true.

Mr. Caruso is fearful for his job and fears retaliation once Mr. Trujillo finds out that a complaint has been filed. Additionally, he is concerned that Commissioner Rubenstein will also go after him and Commissioner Bergquist. Mr. Caruso has a fear that Mr. Trujillo will further intimidate the staff.

On January 6, 2020, Mr. Caruso received a text from Commissioner Ted See. The text was the result of Commissioner Bergquist informing Commissioner See of Mr. Caruso's complaint. Mr. Caruso and Commissioner See spoke. Mr. Caruso believes the result is that Mr. Trujillo was instructed to do a self-evaluation. Mr. Caruso believes that Mr. Trujillo's self-assessment is that he is doing great and that the staff is weak.

Mr. Caruso claims that Mr. Trujillo has repeatedly stated that Mr. Caruso does all the work. He has made that statement to others, including in meetings and Giselle Feliciano, Registrar of Voters.

Submitted By:



Ruben Acosta
Principal Human Resources Analyst



Joyce Feeney
Interim Assistant Human Resources Director

Date: March 3, 2020

Complainant: Joe Caruso
Complaint Date: February 27, 2020 (Addendum)

Abstract:

The information provided below is an explanation of Joe Caruso's complaint of his supervisor Craig Trujillo. His complaint is directed at Mr. Trujillo's actions, perceived as threatening, harassment, retaliation, and misconduct related to time theft.

Complaint overview:

On February 27, 2020, at 08:40am, Joe Caruso came to the Human Resources office and met with Steve Francis (Interim HR Director) and me (HR Analyst). Joe informed both Mr. Francis and me of his concerns with his supervisor, Craig Trujillo, related to threats, harassment, retaliation, and time theft. After arriving at work on February 27, 2020, Mr. Caruso mentions Mr. Trujillo questioned him on why he had left on Tuesday. Mr. Caruso said "because of you and because of you I am going on FMLA." Mr. Trujillo responded, "you don't want to do that because it is not going to be good for you."

Mr. Caruso also informed of other conversations related to the intimidation, harassment, and threats associated with conversating with staff. Mr. Trujillo is mentioned to have questioned Mr. Caruso, saying: "are you telling the staff what we are talking about?" Joe responded: "No" (mentioning he said no because of his fear of retaliation). Mr. Trujillo said: "If you tell any of the staff what we are talking about we are going to have a problem."

Throughout the conversation Joe was asking whether he is required to go back to work, can he go home without repercussions, why is he required to use sick time if it relates to a harassment and retaliation matter. Steve asked Mr. Caruso: "Do you feel you are in any imminent danger or feel as if you cannot return to work because of the possibility of harm being cause" to which Mr. Caruso responded: "I do not feel there's physical danger, I took the threat more so under I am going to get fired."

Mr. Caruso's concerns also were regarding the Audit Commission's handling of the matter, stating there's a party who favors Mr. Trujillo, neutral party, and one to which he feels comfort in reporting to. Mr. Caruso feels the commission has been informed of many time theft allegations by Mr. Caruso and nothing has been done. Mr. Caruso feels that checking email at 6:30am is not "working" and leaving at 2:30pm frequently is inappropriate.

Ultimately, the choice to go home was left at Mr. Caruso's discretion. HR did not approve nor deny; Joe seeks possibility to be removed from position for fear of retaliation (being fired) and placed into another City role.

Submitted by:



Melvin Gonzalez

Human Resources Analyst

02/27/2020



Luke A. Bronin
Mayor

POLICY NO: 001
DATE: February 22, 2019
DISTRIBUTION: Affected Personnel
SUBJECT: Affirmative Action and Equal Opportunity

I. PURPOSE:

The City of Hartford is an equal opportunity employer. The purpose of this policy is to ensure equal opportunities in all aspects of employment within the City of Hartford in accordance with federal, state and local laws.

II. RESPONSIBILITY:

The Mayor is the issuing authority for this policy. The Department of Human Resources is responsible for ensuring departmental compliance with this policy. It shall be the responsibility of all City personnel to comply with these provisions.


III. POLICY:

The City of Hartford strictly prohibits and does not tolerate discrimination against employees and applicants. The City is committed to maintaining a workplace in which all terms, conditions, privileges and benefits are administered in an equitable manner. It is the policy of the City of Hartford to uniformly apply criteria for recruitment, selection, assignment, evaluation, compensation, promotion, discipline and other personnel actions without regard to race, color, sex, including pregnancy, gender identity or expression, sexual orientation, religion, national origin, age, ancestry, disability (mental, intellectual, learning or physical), citizenship status, marital status, genetic information and all other protected categories.

All employees are encouraged to report, and department supervisors and managers are required to report, conduct that they believe constitutes discriminatory conduct in violation of this policy. Retaliation against an employee for reporting such incidents is prohibited. Please contact the Department of Human Resources with any questions, concerns, complaints or requests for additional information.

**The City of Hartford's complaint procedure is attached.*

Approved by:


Chereese Chery
Director of Human Resources and Labor Relations


2/22/19
Date

Luke A. Bronin
Mayor

2/22/19
Date



CITY OF HARTFORD COMPLAINT PROCEDURE

The City of Hartford takes all complaints of discrimination, harassment, unethical, unfair or unprofessional conduct seriously. Retaliation against any employee who reports, files a complaint of, or assists in the investigation of a complaint is prohibited. Furthermore, retaliation against any employee who opposes conduct he or she reasonably believes to be unlawful and/or a violation of City policy is also prohibited.

This procedure provides guidelines for individuals who feel that their rights as protected by the City's policies have been violated; including, but not limited to: 001 Affirmative Action and Equal Opportunity; 002 American with Disabilities Act, Discrimination; 003 Discrimination Prohibited on the Basis of Physical and/or Mental Disability; 005 Anti-Harassment and 006 Sexual Harassment.

The utilization of this procedure does not limit, alter, supersede, amend or negate the exercise of an individual's rights in accordance with state and/or federal law or with respect to any applicable collective bargaining agreement.

I. REPORTING AND FILING COMPLAINTS

Complaints may be brought to department supervisors, managers or the City of Hartford Department of Human Resources (HR) and Labor Relations, orally or in writing. Department supervisors or managers who receive or become aware of such complaints must immediately report them to the Department of Human Resources and Labor Relations. In the event the complaint is against the Human Resource (HR) Director, the complaining employee or referring supervisor or manager shall direct the complaint to the Chief Operating Officer.

While filing a written complaint is voluntary, you may submit a letter or other document that describes your complaint to the department supervisor, manager or the City of Hartford Department of Human Resources and Labor Relations. In any such letter of complaint you may wish to include the name of all relevant parties and a detailed explanation of events giving rise to the complaints.

Complaints may be filed at any time. However, the prompt filing of complaints ensures that any improper conduct can be more quickly and effectively remedied.

II. INVESTIGATION

All complaints shall be accepted for review by the City of Hartford Department of Human Resources and Labor Relations. Following review of the complaint, the HR Director or his/her designee may conduct a preliminary inquiry to determine whether the matter(s) as alleged would or could be considered a violation of City policy.

If the HR Director or his/her designees determines the complaint contains allegations that may constitute a violation of City policy, the HR Director will refer the complaint for formal investigation.

III. HUMAN RESOURCES ACTION

At the completion of each investigation, the investigator will report the outcome of the investigation to the HR Director. The HR Director will review the report and supporting documentation in order to determine whether to approve and adopt the findings of the investigator. The HR Director will issue letters of determination to the parties. If a violation of the City's policy is found to have occurred, the Human Resources Department and/or the department head shall determine the appropriate corrective measures and remedy the violation. Except as otherwise provided by law or required by circumstance, all practicable confidentiality will be afforded to all discrimination or harassment complaint records as well as any counseling completed in the course of the complaint procedure.

IV. PROHIBITION AGAINST RETALIATION

Retaliation in any form against anyone who makes a complaint pursuant to this procedure or who assists in the investigation of such complaints is prohibited. A charge of retaliation may be raised at any stage of the investigation or may form the basis of a new complaint.

Please contact the City's Human Resources Department at 860-757-9800 with any questions or assistance in the complaint procedure.



Luke A. Bronin
Mayor

POLICY NO: 005

DATE: February 1, 2018
DISTRIBUTION: Affected Personnel
SUBJECT: Anti-Harassment

I. PURPOSE:

The purpose of this policy memorandum is to establish the City's policy regarding harassment. The City of Hartford is an anti-harassment workplace.

II. RESPONSIBILITY:

It shall be the responsibility of all City personnel to comply with these provisions.

III. IT IS THE POLICY OF THE CITY OF HARTFORD:

- a. To provide a workplace that is free from harassment and conducive to productivity.
- b. To celebrate the creativity of input from people representing a variety of cultures.
- c. To provide training to all management staff directed at preventing the occurrence of harassment in the workplace.
- d. To receive and investigate all complaints of harassment related to race, color, sex, religion, national origin, age, mental or physical disability, sexual orientation, marital status, or ancestry.
- e. To have zero tolerance for any discrimination related to race, color, sex, religion, national origin, age, mental or physical disability, sexual orientation, marital status, or ancestry.
- f. To discipline any employee who condones or is guilty of harassment.



Luke A. Bronin
Mayor

POLICY NO: 006

DATE: February 1, 2018

DISTRIBUTION: Affected Personnel

SUBJECT: Sexual Harassment

I. PURPOSE:

The purpose of this policy memorandum is to establish the City's policy regarding sexual harassment. It is the policy of the City of Hartford that the sexual harassment of employees is unacceptable and prohibited. This stance is consistent with the City of Hartford's efforts to maintain equal employment, non-discrimination in program services, use of facilities, and the Affirmative Action program.

II. RESPONSIBILITY:

It shall be the responsibility of all City personnel to comply with these provisions.

III. IT IS THE POLICY OF THE CITY OF HARTFORD:

- i. That for general policy purposes, sexual harassment may be described as sexual advances, requests for sexual favors, and other physical conduct and expressive behavior of sexual nature when:
 - i. submission to such conduct is made either explicitly or implicitly as a term or condition of an individual's employment or education;
 - ii. submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting that individual;
 - iii. conduct has the purpose or effect of interfering with an employee's professional performance or creating an intimidating, hostile or demeaning employment environment or unwanted sexual humor.
- i. To provide a work atmosphere that is conducive to productivity.
- ii. To investigate all complaints of sexual harassment.
- iii. To discipline any employees found guilty of sexual harassment.
- iv. To provide all employees, particularly department managers and supervisors, with a working understanding of sexual harassment, its prevention and actions to take when complaints of sexual harassment are brought to their attention.



Luke A. Bronin
Mayor

POLICY NO: 006
DATE: October 1, 2019
DISTRIBUTION: All City Personnel
SUBJECT: Sexual Harassment

I. PURPOSE:

The City of Hartford does not tolerate sexual harassment and strives to provide a work environment that promotes respect. All employees deserve to work in a setting free from all forms of conduct that may be considered harassing or disruptive, that interferes with another employee's work performance, or that creates an intimidating, offensive or hostile work environment, including sexual harassment. The sexual harassment of employees will not be tolerated and is strictly prohibited. This policy applies to all phases of employment, including but not limited to, recruitment, testing, hiring, promotion, demotion, transfer and selection for training.

This policy specifically relates to sexual harassment, as defined and described below. City Policy 001, entitled "Affirmative Action and Equal Opportunity," should be consulted regarding discrimination based on race, color, sex, including pregnancy, gender identity or expression, sexual orientation, religion, national origin, age, ancestry, disability (mental, intellectual, learning or physical), citizenship status, marital status, genetic information and all other protected categories.

II. RESPONSIBILITY:

The Mayor is the issuing authority for this policy.

The Department of Human Resources and Labor Relations is responsible for ensuring compliance with this policy and for ensuring all employees, both current and newly hired, receive a copy of this policy as specified in Section III.

It shall be the responsibility of all City personnel to comply with these provisions. Every employee is responsible for maintaining a professional environment free from sexual harassment and retaliation, and for bringing to the City's attention any conduct that interferes with the City's efforts to promote a respectful and productive work environment.

III. DISSEMINATION:

All employees, both current and newly hired shall be provided a copy of this policy electronically.

All employees are required to sign the *City of Hartford Employee Acknowledgment and Agreement Form* certifying that they received and read this policy. A copy of the signed acknowledgment form must be filed in the employee's personnel file and maintained by the Department of Human Resources and Labor Relations.

A copy of this policy will be posted on the City's website and will also be posted in a prominent and accessible location within each city department.

IV. TRAINING:

The City of Hartford requires two-hour mandatory in-person, interactive Sexual Harassment Awareness Training for all employees, supervisors and department heads every three years. Components of that training will include:

- Recognizing sexual harassment in the employee's workplace
- Understanding rights and responsibilities under the law and this policy
- Providing tips on bystander intervention
- Explaining how to report harassment as a victim or witness
- Describing the reporting and investigation process
- Making clear the possible consequences for engaging in conduct that constitutes sexual harassment or otherwise violates this policy

All employees hired on or after October 1, 2019 must receive the training within six months of hire.

All employees are to receive online, interactive supplemental training annually.

V. DEFINITION:

Sexual harassment is defined as unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when:

- (a) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- (b) Submission to, or rejection of, such conduct by an individual is used as the basis for employment decisions affecting such individual (e.g., promotion, transfer, demotion, termination); or

- (c) Such conduct has the purpose or effect of substantially interfering with an individual's work performance, or of creating an intimidating, hostile or offensive working environment, even if the reporting individual is not the intended target of the sexual harassment.

VI. CONDUCT PROHIBITED:

There is a broad range of conduct which can, in certain circumstances, be considered sexual harassment under this policy. The foregoing can include, but is not limited to:

- (a) Intentional unwanted physical contact such as touching, kissing, patting, pinching, brushing up against someone; assault; or impeding or blocking movements;
- (b) Offensive comments, unwelcome sexual advances, jokes, innuendoes or other statements of a sexual or gender-based nature; offering employment benefits in exchange for sexual favors; making or threatening reprisals after a negative response to sexual advances;
- (c) Non-verbal conduct such as derogatory or pornographic displays, sexual gestures; leering; sending sexually suggestive email messages;
- (d) Sexual favoritism, such as granting or withholding employment opportunities and benefits, including but not limited to, job assignments, unequal discipline, promotion, evaluation, preferential treatment when based on sexual favoritism.

VII. REPORTING:

Any employee who believes that he or she has been subjected to sexual harassment is encouraged to report it, and any employee who has witnessed conduct that he or she believes constitutes sexual harassment in violation of this policy is required to report it, to any department head or deputy department head, or the Chief Operating Officer, or a Human Resources designee as specified in the attached complaint procedure. The City will evaluate whether any immediate remedial actions may be appropriate to ensure the safety of employees during the pendency of an investigation.

Complaints may be brought orally or in writing. While filing a written complaint is not required, an employee may submit a letter or other document that describes his or her complaint, including the names of all relevant parties and a detailed explanation giving rise to the events. Complaints may be filed at any time. However, the prompt filing of complaints ensures that any improper conduct can be more quickly and effectively remedied.

All supervisors and managers are required to report any conduct that they become aware of that may violate this policy, including complaints received, to the Director of Human Resources and Labor Relations or Human Resources designee. In the event the complaint is against the Director of Human Resources and Labor Relations, the referring

supervisor or manager shall direct the complaint to the Chief Operating Officer.

Supervisors and managers who fail to report or knowingly allow sexual harassment to continue will be subject to appropriate disciplinary action.

** For more information on the complaint and investigation processes, please see the City of Hartford's full complaint procedure, attached hereto. **

VIII. RETALIATION PROHIBITED:

Retaliation against an employee for reporting such incidents or for participating in an investigation is prohibited.

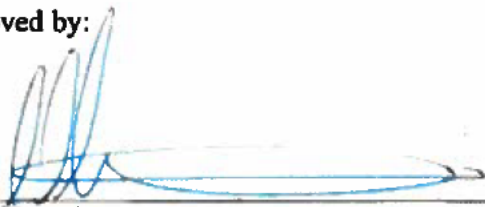
Retaliation is defined as taking materially adverse employment action in response to an employee's good faith opposition to harassment, good faith complaint, and/or participation in an investigation, proceeding or hearing.

IX. VIOLATION

Appropriate disciplinary action, up to and including termination from employment, will be taken against any employee who engages in conduct that constitutes sexual harassment or otherwise violates this policy.

Please contact the Department of Human Resources and Labor Relations with any questions concerns, complaints or requests for additional information.

Approved by:



Steve Francis, Interim Director of Human Resources

1 OCT 2019

Date



Luke Bronin, Mayor

02 OCT 2019

Date



CITY OF HARTFORD COMPLAINT PROCEDURE

The City of Hartford takes all complaints of discrimination, harassment, and sexual harassment seriously.

This procedure provides guidelines for individuals who feel that their rights as protected by the City's policies have been violated; including, but not limited to: 001 Affirmative Action and Equal Opportunity; 002 American with Disabilities Act, Discrimination; 003 Discrimination Prohibited on the Basis of Physical and/or Mental Disability; 005 Anti-Harassment and 006 Sexual Harassment.

The utilization of this procedure does not limit, alter, supersede, amend or negate the exercise of an individual's rights in accordance with state and/or federal law—including an employee's right to file a complaint with the Commission on Human Rights and Opportunities (ct.gov/chro) and/or the federal Equal Employment Opportunity Commission (eeoc.gov)—or with respect to any applicable collective bargaining agreement.

I. REPORTING AND FILING COMPLAINTS

Any employee who believes that he or she has been subjected to conduct that is unlawful and/or in violation of City policy is encouraged to report it, and any employee who has witnessed said conduct is required to report it, to one of the following: any Department Head, any Deputy Department Head, the Chief Operating Officer, or either of the following Human Resources designees: Marlene Fleeting, Human Resources Analyst at 860-757-9814, or Melvin Gonzalez, Human Resources Analyst at 860-757-9815. The City will evaluate whether any immediate remedial actions may be appropriate to ensure the safety of employees during the pendency of an investigation.

All supervisors and managers are required to report any conduct that they become aware of that may violate the listed City policies, including complaints received, to the Director of Human Resources and Labor Relations. In the event the complaint is against the Director of Human Resources and Labor Relations, the referring supervisor or manager shall direct the complaint to the Chief Operating Officer. **Supervisors and managers who fail to report or knowingly allow harassing or discriminatory conduct to continue will be subject to appropriate disciplinary action.**

Complaints may be brought orally or in writing. While filing a written complaint is not required, an employee may submit a letter or other document that describes his or her complaint, including the names of all relevant parties and a detailed explanation giving rise to the events. Supervisors and managers who receive an oral complaint must promptly summarize the allegations in writing and forward that document to the Director of Human Resources, or Chief Operating Officer when applicable.

Complaints may be filed at any time. However, the prompt filing of complaints ensures that any improper conduct can be more quickly and effectively remedied.



II. INVESTIGATION

All complaints shall be accepted by the Director of Human Resources and Labor Relations, or the Chief Operating Officer when applicable, and referred to an independent third-party for formal investigation. Investigations into any claimed violation of a listed City policy will be promptly conducted and completed.

Every thirty (30) days during the pendency of the investigation, the investigator will communicate with the Complainant regarding the status of the investigation.

Except as otherwise provided by law or required by circumstance, all practicable confidentiality will be afforded to all discrimination or harassment complaint records.

III. HUMAN RESOURCES ACTION

At the completion of each investigation, the investigator will report the outcome of the investigation to the Director of Human Resources and Labor Relations. The Director of Human Resources and Labor Relations will review the report and supporting documentation in order to determine whether to approve and adopt the findings of the investigator.

The Director of Human Resources and Labor Relations will issue letters of determination to the parties, notifying them whether the allegations were substantiated. If a violation of the City's policy is found to have occurred, the Human Resources Department and/or the applicable department head shall determine the appropriate corrective measures and remedy the violation.

Appropriate disciplinary action, up to and including termination from employment, will be taken against any employee who is found to have violated any of the listed City policies.

IV. PROHIBITION AGAINST RETALIATION

Retaliation against any employee who reports, files a complaint, or assists in the investigation of a complaint is prohibited. Furthermore, retaliation against any employee who opposes conduct he or she reasonably believes to be unlawful and/or a violation of listed City policies also is prohibited. A charge of retaliation may be raised at any stage of the investigation or may form the basis of a new complaint.

Please contact the City's Department of Human Resources and Labor Relations at 860-757-9800 with any questions or assistance in the complaint procedure.